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*Attorneys for Plaintiff, Bank of America, National Association*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, NATIONAL  
ASSOCIATION,

Plaintiff,

vs.

CACTUS SPRINGS COMMUNITY  
ASSOCIATION, a Nevada non-profit  
Corporation; OLIVIA F. BARRERA, an  
individual;

Defendant.

Case No.: 2:18-cv-00056

**STIPULATED JUDGMENT IN FAVOR  
OF PLAINTIFF AND DISMISSAL OF  
DEFENDANT CACTUS SPRINGS  
COMMUNITY ASSOCIATION**

Plaintiff BANK OF AMERICA, NATIONAL ASSOCIATION (hereinafter "BANA")  
and Defendant CACTUS SPRINGS COMMUNITY ASSOCIATION (hereinafter "CACTUS  
SPRINGS"), (collectively, the "Parties"), by and through their respective counsel of record,  
hereby stipulate and agree as follows:

1. **WHEREAS** BANA is the beneficiary of that certain Deed of Trust executed by Olivia  
Barrera ("Borrower") on June 18, 2005, and recorded on July 7, 2005 as document 20050707-  
0003678 with the Clark County Recorder's Office (the "Deed of Trust"), encumbering real  
property known as 2605 Rainbow Cactus Court, Las Vegas, Nevada 89106 (the "Property");  
**AND**

1        2. **WHEREAS** on December 28, 2015, CACTUS SPRINGS, through its agent, recorded a  
2 Notice of Sale, providing notice of a foreclosure sale of its assessment lien for January 20,  
3 2016; AND

4        3. **WHEREAS** BANA satisfied the super-priority portion of CACTUS SPRINGS'  
5 assessment lien prior to the sale, which effectuated the recordation of "Notice of Satisfaction of  
6 Association's Lien Prior to Security Interest" on January 15, 2016, as document 20160115-  
7 0002301; AND

8        4. **WHEREAS** CACTUS SPRINGS, through tis agent, proceeded with its assessment lien  
9 foreclosure sale on January 20, 2016 (the "HOA Sale"), where CACTUS SPRINGS was the  
10 highest bidder at the sale, resulting in recordation of a "Certificate of Foreclosure Sale Subject  
11 to Redemption" on January 27, 2016 as document 20160127-0003682.

12        5. **WHEREAS** CACTUS SPRINGS has not recorded a deed transferring title, and title to  
13 the Property remains in the name of Borrower; AND

14        6. **WHEREAS** uncertainty and clouds on title exist due to the aforementioned events;  
15 AND

16        7. **WHEREAS** On January 10, 2018, BANA filed its Complaint for quiet title in this  
17 action naming CACTUS SPRINGS and BORROWER as defendants to address the clouds  
18 related to the HOA Sale;

19        **THE PARTIES HEREBY STIPULATE AND AGREE THAT JUDGMENT BE**  
20 **ENTERED IN FAVOR OF PLAINTIFF AS FOLLOWS:**

- 21        1. The HOA Sale did not include a super-priority lien.  
22        2. The HOA Sale did not extinguish the Deed of Trust.  
23        3. CACTUS SPRINGS does not have a current ownership interest in title to the Property,  
24 subject to the continuing encumbrance of the CC&Rs.  
25        4. CACTUS SPRINGS will take no action to challenge the continuing validity of the Deed  
26 of Trust, nor any foreclosure thereof;  
27        5. CACTUS SPRINGS be dismissed from this action, with prejudice;  
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6. This Judgment does not affect any rights, claims or defenses of BANA or CACTUS SPRINGS with respect to any other party related to the HOA Sale of the Property.

7. The Parties agree to bear their own attorneys' fees and costs.

**IT IS SO STIPULATED.**

DATED: March 29, 2018.

ZIEVE, BRODNAX & STEELE, LLP

/s/ Shadd A. Wade, Esq.

Shadd A. Wade, Esq.

Nevada Bar No. 11310

3753 Howard Hughes Pkwy., Ste. 200

Las Vegas, NV 89169

*Attorney for Plaintiff*

DATED: March 29, 2018.

WOLF, RIFKIN, SHAPIRO, SCHULMAN  
& RABKIN, LLP

/s/ Gregory P. Kerr, Esq.

Gregory P. Kerr, Esq.

Nevada Bar No. 10383

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Las Vegas, Nevada 89120

*Attorney for CACTUS SPRINGS  
COMMUNITY ASSOCIATION*

**ORDER**

Based on the foregoing stipulation, and good cause appearing,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** that the HOA Sale did not include a super-priority lien, and thus did not extinguish the Deed of Trust.

**IT IS FURTHER ORDERED** that the Deed of Trust remains a valid and enforceable lien on title;

**IT IS FURTHER ORDERED** that CACTUS SPRINGS does not have a current ownership interest in title to the Property, subject to the continuing encumbrance of the CC&Rs.

**IT IS FURTHER ORDERED** that CACTUS SPRINGS will take no action to challenge the continuing validity of the Deed of Trust, nor any foreclosure thereof;

**IT IS FURTHER ORDERED** that Defendant CACTUS SPRINGS is hereby dismissed from this case with prejudice.

1           **IT IS FURTHER ORDERED** that each party shall bear its own attorneys' fees and  
2 costs.

3           **IT IS FURTHER ORDERED** that this dismissal does not affect any rights, claims or  
4 defenses of BANA or CACTUS SPRINGS with respect to any other party related to the  
5 foreclosure sale of the Property.

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7                           **IT IS SO ORDERED.**

8                           DATED this 29th day of March 2018.

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11                           \_\_\_\_\_  
12 U.S. DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of ZIEVE, BRODNAX & STEELE, LLP; that service of the foregoing **STIPULATED JUDGMENT IN FAVOR OF PLAINTIFF AND DISMISSAL OF DEFENDANT CACTUS SPRINGS COMMUNITY ASSOCIATION** was made on the 29th day of March, 2018 by electronic service to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

Gregory P. Kerr, Esq.  
3556 E. Russell Road, Second Floor  
Las Vegas, Nevada 89120  
Attorneys for Defendant  
*Cactus Springs Community Association, Inc.*

/s/Sara Aslinger  
An employee of ZIEVE, BRODNAX & STEELE,  
LLP